



LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY
MIKE STRAIN DVM
COMMISSIONER



HORTICULTURE COMMISSION MEETING

March 5, 2009

9:00 a.m.

Veterans Memorial Auditorium
5825 Florida Boulevard
Baton Rouge, LA 70806
Minutes

**Agricultural &
Environmental
Sciences**

P.O. Box 3596
Baton Rouge,
LA 70821
(225) 925-9770
Fax: 925-3760

**Agro-Consumer
Services**

P.O. Box 3098
Baton Rouge,
LA 70821
(225) 922-1341
Fax: 923-4877

**Animal Health
Services**

P.O. Box 1951
Baton Rouge,
LA 70821
(225) 925-3962
Fax: 925-4103

Forestry

P.O. Box 1628
Baton Rouge,
LA 70821
(225) 925-4500
Fax: 922-1356

**Management
& Finance**

P.O. Box 3481
Baton Rouge,
LA 70821
(225) 922-1255
Fax: 925-6012

Marketing

P.O. Box 3334
Baton Rouge,
LA 70821
(225) 922-1277
Fax: 922-1289

**Soil & Water
Conservation**

P.O. Box 3554
Baton Rouge,
LA 70821
(225) 922-1269
Fax: 922-2577

CALL TO ORDER

The hearing was called to order by Mr. Bass at 9:08 a.m.

ROLL CALL

The roll was called by Mrs. Bellington.

Members present: Fred Bass, Todd Parker, Dr. Tom Koske, Harold Tani, Van Cox, Stephen Hoover, Mike Rome, Rusty Ruckstuhl, Paul Orr, Donald Kelley, Rob Barry, Roger Mayes and Bill Fleming.

Members absent: There were no members absent.

A quorum was present.

Others present: Murphy Bell, Commissions' Attorney; Michael Vallan, Hearing Officer; Craig Roussel, LDAF; Ansel Rankins, LDAF; Ruby Bolding, LDAF; and Fran Bellington, LDAF.

APPROVAL OF MINUTES

Motion: Mr. Cox made a motion to approve the minutes from the December 4, 2008 hearing. This motion was seconded by Mr. Ruckstuhl and passed unanimously.

SET NEXT HEARING DATE

The next Horticulture Commission meeting will be Tuesday, June 30th, 2009 at 9:00 a.m. in the Veterans Memorial Auditorium.

OLD BUSINESS

There was no old business but Mr. Parker took this time to welcome Mr. Paul Orr to the commission and to thank Mr. Randall Harris for his time served.

HEARING

CONTINUED CASES

Brenda Anacolade
2108 Swan Street
Slidell, LA 70460

Case No.: 08-012

One violation of L.R.S. 3:3804 (C) for accepting fees in a regulated profession (landscape contractor) without the proper license.

Ms. Anacolade was not present but the department proceeded because service was effected.

Motion: Mr. Parker made a motion to find Ms. Anacolade in violation and assess a fine. This

motion was seconded by Mr. Fleming and passed unanimously. The department recommended a penalty of \$500.00. **Motion:** Mr. Parker made a motion to accept the recommended penalty. This motion was seconded by Mr. Fleming and passed unanimously.

New Cases

Benjamin Lamb
d/b/a Lamb's Tree Service
49 Cobblestone Drive East
Houma, LA 70360

Case No.: 09-001

Eleven violations of L.R.S. 3:3804 (C) for advertising and engaging in a regulated profession (arborist) without the proper license.

Mr. Lamb was not present but the department proceeded because service was effected. Mr. Bell asked to have charge #9 amended to say advertised vs. engaged. **Motion:** Mr. Parker made a motion to find Mr. Lamb in violation. This motion was seconded by Mr. Hoover and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$2,750.00. **Motion:** Mr. Hoover made a motion to accept the recommended penalty. This motion was seconded by Mr. Parker and passed unanimously.

Benny Allee
d/b/a Allee-Cat Tree Service
733 Jefferson Drive
Lake Charles, LA 70605

Case No.: 09-002

Two violations of L.R.S. 3:3908 (C) for advertising in a regulated profession (arborist) without the proper license.

Mr. Allee was not present but the department proceeded because service was effected. **Motion:** Mr. Fleming made a motion to find Mr. Allee in violation. This motion was seconded by Mr. Parker and passed unanimously. Recommended penalty of \$1,000.00 per violation for a total fine of \$2,000.00. **Motion:** Mr. Fleming made a motion to accept the recommended penalty and to notify the defendant that a judgment will be filed against him. This motion was seconded by Mr. Cox and passed unanimously.

Pat Welker
d/b/a Evergreen Sprinkler Systems
1108 Glenmar Avenue
Monroe, LA 71201

Case No.: 09-003

Four violations of L.R.S. 3:3804 (C) for advertising and engaging in a regulated profession (irrigation contractor) without the proper license.

Case continued to the June 30th hearing date.

Charles Butler
d/b/a Butler's Construction Company
2120 Moeling Street

Lake Charles, LA 70601

Case No.: 09-004

One violation of L.R.S. 3:3804 (C) for engaging in a regulated profession (arborist) without the proper license.

Mr. Butler was not present but the department proceeded because service was effected. **Motion:** Mr. Parker made a motion to find Mr. Butler in violation. This motion was seconded by Mr. Tani and passed unanimously. Recommended penalty of \$250.00. **Motion:** Mr. Parker made a motion to accept the recommendation. This motion was seconded by Mr. Rome and passed unanimously.

Kelvin Robins
d/b/a Kelvin Robins Tree Service
8026 Jefferson Hwy Apt 220
Baton Rouge, LA 70815

Case No.: 09-005

Eight violations of L.R.S. 3:3804 (C) for engaging in a regulated profession (landscape contractor & arborist) without the proper license.

Mr. Robins was not present but the department proceeded because service was effected. **Motion:** Mr. Ruckstuhl made a motion to find Mr. Robins in violation. This motion was seconded by Mr. Mayes and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$2,000.00. **Motion:** Mr. Ruckstuhl made a motion to accept the recommendation. This motion was seconded by Mr. Hoover and passed unanimously.

NEW BUSINESS

Mr. Roussel discussed proposing legislation to allow for a temporary arborist license following a catastrophe if a person is licensed in another state, as a result of passing a state exam, or is ISA certified. **Motion:** Mr. Fleming made a motion to vote on the idea to show the commissions' support. This motion was seconded by Mr. Hoover and passed unanimously. All members were in favor of the idea.

PUBLIC COMMENTS

None.

ADJOURNMENT

Motion: Mr. Cox made a motion to adjourn at 10:47 a.m. This motion was seconded by Mr. Mayes and passed unanimously.